

Procedures for Submission and Review of the Multidivision Online Provider Application

I. Application Process for Multidivision Online Providers

The application, appeals, monitoring, and revocation processes address the following section of the *Code of Virginia*.

As specified in § 22.1-212.24.A, the Superintendent of Public Instruction will develop, and the Board of Education will approve, the processes for approving and monitoring multidivision online providers, as well as a process for the revocation of a previously approved multidivision online provider and an appeal process for a multidivision online provider whose approval was revoked or for whom application was denied.

Local school boards in Virginia may enter into contracts with private organizations, educational institutions, or nonprofit virtual school organizations to establish multidivision online provider agreements once the Superintendent of Public Instruction has established the private, nonprofit, or school division virtual school organization as an approved multidivision online provider. The instruction in a virtual school is done primarily by a teacher who is in a different physical setting from the student, though local mentors may support this instruction.

A multidivision online provider is

- a private or nonprofit organization that enters into a contract with a local school board to provide online courses or programs through that school board to students who reside in Virginia both within and outside the geographical boundaries of that school division
- a private or nonprofit organization that enters into contracts with multiple local school boards to provide online courses or programs to students in grades K through 12 through those school boards
- a local school board that provides online courses or programs to students who reside in Virginia but outside the geographical boundaries of that school division

A multidivision online provider is not

- a local school board's online learning program in which fewer than 10 percent of the students enrolled reside outside the geographical boundaries of that school division
- multiple local school boards that establish joint online courses or programs in which fewer than 10 percent of the students enrolled reside outside the geographical boundaries of those school divisions
- local school boards that provide online learning courses or programs for their students through an arrangement with a public or private institution of higher education
- local school boards providing online courses or programs through a private or nonprofit organization that has been approved as a multidivision online provider

Electronic applications for approval will be made available on the Virginia Department of Education (VDOE) Web site on February 1, 2011. Applications will be accepted for a period of 30 calendar days beginning February 1. The application will be accessible at http://www.doe.virginia.gov/instruction/virtual_learning/index.shtml.

Applications will be reviewed by teams selected by VDOE and whose members have expertise in curriculum, instruction, online learning, counseling support, assessment and accountability, finance, staff quality, data collection and use, and technology and technical support. The applications will be reviewed based on the Criteria for Approving Multidivision Online Providers. These teams will prepare a report with recommendations for the Superintendent of Public Instruction within 30 business days of the close of the application period.

The Superintendent of Public Instruction will make a decision regarding approval of multidivision online providers and official notification of approval or notification of denial will be mailed to the applicant within 45 business days of the close of the application period. The letter will be sent by the U.S. Postal Service and will include detailed reasons for denial if applicable.

II. Appeals Process for Multidivision Online Providers

If the Superintendent of Public Instruction denies approval of an application, the applicant may submit a revised application within 30 business days of notification; the applicant is not required to submit a revised application. The Superintendent of Public Instruction will review any changes and either approve or deny the resubmitted application within 45 business days from the receipt of a resubmitted application.

An applicant whose application has been denied by the Superintendent of Public Instruction, either upon the original submission of the application or upon submission of a revised application, may appeal the decision of the Superintendent of Public Instruction to the Virginia Board of Education.

The appeal must be submitted to the Virginia Board of Education within 30 business days of the mailing of the decision being appealed. The appeal must be in writing. The appeal shall contain: (1) a copy of the decision being appealed; (2) the applicant's statement of the errors alleged in the decision of the Superintendent of Public Instruction; and (3) together with those portions of the application that bear on the issues on appeal.

The appeal to the Board is on the record, and the Board will not receive additional information, except for good cause shown. "Good cause" means: (1) there is significant, relevant information not previously available and not presented to the Superintendent of Public Instruction; (2) there have been significant changes in factors or circumstances relating to the application subsequent to the application being presented to the Superintendent; or (3) there is a substantial material

mistake of fact or law in the application, and which could not have been avoided by diligence on the part of the applicant.

Upon receipt of the appeal, the Board will convene to hear the matter; the meeting may be either a regularly scheduled meeting of the Board, or upon a meeting called specially for the purpose. The Board delegates to the president the authority to issue such rulings and instructions as will ensure that the appeal is heard in a timely, efficient, and effective manner. The Board will render its decision in writing.

Denied applicants may also submit a new application in subsequent application periods.

III. Monitoring Process for Multidivision Online Providers

An oversight committee of the Virginia Department of Education will conduct selected reviews of approved providers and their approved courses each year. The intent of the monitoring process is to provide oversight through periodic review of previously approved programs and to intervene when programs no longer meet the Criteria for Approving Multidivision Online Providers, including possible revocation of approved programs. Information from the reviews will be used in preparing a required annual report to the Governor and the General Assembly of Virginia.

The applicant must submit a Provider Monitoring Report each year that includes information required by the Virginia Department of Education; however, the Department of Education may request that a Provider Monitoring Report be completed and submitted at any time. Multidivision online providers must complete a full review after three years. Updates and changes to approved multidivision online provider programs will be submitted using the Provider Monitoring Report. The oversight committee will evaluate the information about program changes as well as information collected from stakeholder surveys and statistical data related to course completion and student growth and achievement. The oversight committee will make a recommendation within 30 business days. Based on the recommendation of the oversight committee, a decision regarding the continued approval of multidivision online providers will be made by the Superintendent of Public Instruction within 15 business days of receipt of the monitoring report. The applicants will be notified of their status via a letter sent by the U.S. Postal Service within 45 business days of the end of the monitoring report period.

A multidivision online provider that no longer meets the Criteria for Approving Multidivision Online Providers is placed on provisional status (they may continue to serve Virginia students currently enrolled in the multidivision online program but cannot enroll new students or enter into new multidivision online provider contracts) and must address the concerns of the oversight committee and the Superintendent of Public Instruction within 40 business days of receipt of notification. If the provider does not address the concerns to the satisfaction of the Superintendent of Public Instruction, the approval status of the provider may be revoked at the

end of the academic year or provisional status may be extended; however, provisional status will not be extended past the full review date.

IV. Revocation Process for Multidivision Online Providers

The approval of a multidivision online provider will remain in effect until the approval is revoked for cause, pursuant to section § 22.1-212.24 of the *Code of Virginia*. The decision regarding revocation of a previously approved multidivision online provider will be made by the Superintendent of Public Instruction based on the oversight committee's report and recommendation during the monitoring process.

Revocation notices will be made by certified mail within five business days after the decision has been made.

If the Superintendent of Public Instruction has revoked a provider's approval, the applicant may appeal, in writing, to the Virginia Board of Education within 30 business days of the date the revocation letter is mailed. The Board of Education will review the appeal within 60 business days of the date the appeal is received—or at the next public meeting if none takes place within 60 days of receiving the appeal. The final decision of the Board of Education will be sent by letter to the individual submitting the appeal. This decision of the Board of Education is intended to be a final "case decision" within the meaning of the Virginia Administrative Process Act (APA) § 2.2-4000 *et seq.* of the *Code of Virginia*, and subject to further review in accordance with the APA and Part 2A of the Supreme Court of Virginia. The APA details the authority of state agencies to make decisions based on regulations and explains the standard procedures to be used.

If a provider's approval is revoked by the Superintendent of Public Instruction and upheld by the Board of Education, the applicant may submit a new application during the next application period.